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Attorney for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

RUSSELL SHETTERS III,)	
)	
Petitioner,)	Case No. A04-0142 CV (JKS)
)	
vs.)	AFFIDAVIT OF COUNSEL
)	
)	
)	
SUPERINTENDENT)	
JOE SCHIMDT,)	
)	
Respondent.)	
_____)	

AFFIDAVIT IN SUPPORT OF MOTION FOR 7-DAY
EXTENSION OF TIME

The undersigned, first being duly sworn, deposes and says:

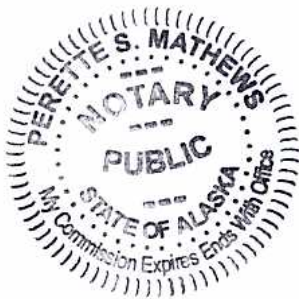
1. I am the assistant attorney general assigned to the above-titled matter.
2. On May 8, 2008, I suggested that this court grant me until today, May 22, to complete and file a motion to dismiss the petitioner's

application as barred by the statute-of-limitations. My motion in this matter is substantially completed, but I have been unable to finish it because of a state-court post-conviction relief application that I was working on during the week of May 5 and 12; and the completion of a state-court appellate brief due tomorrow, May 23.

3. I therefore request one week's extension, to May 29, 2008, to complete my motion to dismiss. I have today telephoned the office of the Federal Public Defender Mary Geddes to ask whether she opposes this motion. I was informed by that office that Ms. Geddes would not be back today and was referred to Federal Public Defender Kevin McCoy. Mr. McCoy advised me that the office had no opposition to the motion for an extension. Further your affiant sayeth naught.

Michael McCoy

SUBSCRIBED AND SWORN to before me this 22nd day of May, 2008.



Perette S. Mathews
Notary Public in and for Alaska